

**IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF ILLINOIS**

TRUSTEES OF CENTRAL LABORERS'
PENSION, WELFARE & ANNUITY
FUNDS,

Plaintiff,

V.

WHEETLEY CONSTRUCTION, LLC,

Defendant.

No. 15-cv-765 JPG/PMF

MEMORANDUM AND ORDER

This matter comes before the Court on the Motion to Dismiss (Doc. 7) pursuant to Federal Rule of Civil Procedure 41(a)(2) filed by the plaintiff. Rule 41(a)(2) provides that only the Court may dismiss an action after an adverse party has filed an answer or motion for summary judgment and in the absence of a stipulation of dismissal of an entire case signed by all the parties. The Court hereby **GRANTS** the motion to dismiss without prejudice and **DIRECTS** the Clerk of Court to close this case.

DATED: December 8, 2015

s/ J. Phil Gilbert
UNITED STATES DISTRICT JUDGE